REMARKS

1. Claims 17-19, 37-39, and 42-89 were pending. Claims 69, 71, 78, 81, 88, and 89 have been amended. No claims have been added. No claims have been cancelled. Claims 17-19, 37-39, and 42-89 are now pending. Reexamination and reconsideration of the application, as amended, are requested.

2. Rejections under 35 U.S.C. §101

Claims 37-39, 42, 53-66, 70-75, 79-87, and 89 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter by reciting non-functional descriptive material. The Applicant respectfully traverses the rejections and requests consideration of the following.

A. Independent Claim 37 is a computer system claim for a data structure as defined in the PTO's guidelines as it recites a "physical or logical relationship among data elements, designed to support specific data manipulation functions." Specifically, claim 37 recites "a logical structure" embodied on "a computer-readable storage medium", where the logical structure "encapsulates components". These encapsulated components comprise:

multiple streams of data wherein the streams of data are stored in packets;

clock licenses that each *dictate advancement of a clock that regulates rendering of the data in the packets*; and

a field in the logical structure for holding a value that specifies *a maximum bit rate at which the multiple streams of data may be rendered.*

Applicant submits that a functional interrelationship between the recited components of the logical structure is provided by the subject matter that appears in the bold italics above. Specifically, the recited "components" are functionally

interrelated to the recited (i) clock licenses that "dictate advancement of a clock that regulates rendering of the data in the packets", and (ii) a field for holding a value that specifies "a maximum bit rate at which the multiple streams of data may be rendered". Additionally, pursuant to the PTO's guidelines discussed above, the "specific data manipulation functions" that the components of the logical structure are recited to support are clearly recited in the claim elements, i.e., (i) "...advancement of a clock that regulates rendering" and (ii) "... bit rate at which * * * data may be rendered".

B. Independent Claim 42 is data processing system claim for a source computer storing a data structure as defined in the PTO's guidelines as it recites a "physical or logical relationship among data elements, designed to support specific data manipulation functions." Specifically, claim 42 recites "a logical structure" stored in "storage" for "a source computer", where the logical structure "encapsulates multiple data streams" that are "incorporated in packets", where:

> the data stored in the packets are of a new media type;
> the *logical structure stores an identifier* for the new media type; and
> the *identifier can be used to determine a renderer to use to render data of the new media type*;
> a *clock license* being *encapsulated into at least one packet for advancing a clock at a destination when processed at the destination*.

Applicant submits that a functional interrelationship between the recited logical structure is provided by the subject matter that appears in the bold italics above. Specifically, the recited "logical structure" is functionally interrelated to the recited (i) identifier to determine a renderer to use to render data of the new media type", and (ii) "a clock license" "for advancing a clock". Additionally,

pursuant to the PTO's guidelines discussed above, the "specific data manipulation functions" that the logical structure is recited to support are clearly recited in the claim elements, i.e., (i) an identifier for a renderer, and (ii) a clock license in at least one packet for advancing a clock at a destination".

C.   Independent Claim 53 is a claim for a data structure as defined in the PTO's guidelines as it recites a "physical or logical relationship among data elements, designed to support specific data manipulation functions." Specifically, claim 53 recites "a logical structure" embodied on "a computer-readable storage medium", where the logical structure "encapsulates components". These encapsulated components comprise:

> multiple streams of data wherein the streams of data are stored in packets;
> a field in the logical structure for holding a value that specifies *a maximum bit rate at which the multiple streams of data may be rendered*
> clock licenses that each *dictate advancement of a clock that regulates rendering of the data in the packets*;
> error correcting data is stored in the at least some of the packets;
> the *error correcting data identifies an error correcting method* for the at least some of the packets.

Applicant submits that a functional interrelationship between the recited components of the logical structure is provided by the subject matter that appears in the bold italics above. Specifically, the recited "components" are functionally interrelated to the recited (i) clock licenses that "dictate advancement of a clock that regulates rendering of the data in the packets", (ii) a field for holding a value that specifies "a maximum bit rate at which the multiple streams of data may be rendered", (iii) a method for error correcting that is identified by "error correcting data" that "is stored in" "at least some of the packets". Additionally, pursuant to

the PTO's guidelines discussed above, the "specific data manipulation functions" that the components of the logical structure are recited to support are clearly recited in the claim elements, i.e., (i) "...advancement of a clock that regulates rendering", (ii) "... bit rate at which * * * data may be rendered", (iii) an error correcting method identified by error correcting data stored in at least some of the packets.

D.   Independent Claim 60 is a data processing system claim that includes a data structure as defined in the PTO's guidelines as it recites a "physical or logical relationship among data elements, designed to support specific data manipulation functions." Specifically, claim 60 recites "a logical structure stored" in storage for a source computer, where the logical structure "encapsulates multiple data streams" that are "incorporated into packets". A packet is recited to include:

> *an identifier * * * from which a renderer can be determined to render the data;*
> *a clock license* for *advancing a clock at a destination;*
> error correcting data is stored in the at least some of the packets;
> the *error correcting data identifies an error correcting method* for the at least some of the packets.

Applicant submits that a functional interrelationship between the recited the logical structure is provided by the subject matter that appears in the bold italics above. Specifically, the recited "logical structure" is functionally interrelated to the recited (i) the identifier from which a renderer can be determined to render the data; (ii) a clock license to advance a clock at a destination, and (iii) a method for error correcting that is identified by "error

correcting data" that "is stored in" "at least some of the packets". Additionally, pursuant to the PTO's guidelines discussed above, the "specific data manipulation functions" that the components of the logical structure are recited to support are clearly recited in the claim elements, i.e., (i) renderer identification, (ii) advancing a clock at a destination, and (iii) an error correcting method identified by error correcting data stored in at least some of the packets.

E.   Independent Claim 61 is a data processing system claim that includes a data structure as defined in the PTO's guidelines as it recites a "physical or logical relationship among data elements, designed to support specific data manipulation functions." Specifically, claim 61 recites "a logical structure stored" in storage for a source computer, where the logical structure "encapsulates multiple data streams" that are "incorporated into packets". A packet is recited to include *"a clock license"* for *"advancing a clock at a destination when"* the packet is *"processed at the destination"*.

Applicant submits that a functional interrelationship between the recited the logical structure is provided by the subject matter that appears in the bold italics above. Specifically, the recited "logical structure" is functionally interrelated to the recited a clock license to advance a clock at a destination. Additionally, pursuant to the PTO's guidelines discussed above, the "specific data manipulation functions" that the logical structure are recited to support are clearly recited in the claim elements, namely advancing a clock at a destination.

F.   It is instructive to consider the Federal Circuit case of *In re Lowry*, 32 F.3d 1579 (1994), where the Court addressed the issue of whether a data

structure claim met the statutory requirements of §101. The independent claim

that was at issue in that case is presented directly below for the convenience of the

Office:

    1.   A memory for storing data for access by an application program being executed on a data processing system, comprising:

    a data structure stored in said memory, said data structure including information resident in a database used by said application program and including:

        a plurality of attribute data objects (ADOs) stored in said memory, each of said attribute data objects containing different information from said database;

        a single holder attribute data object for each of said attribute data objects, each of said holder attribute data objects being one of said plurality of attribute data objects, a being-held relationship existing between each attribute data object and its holder attribute data object, and each of said attribute data objects having a being-held relationship with only a single other attribute data object, thereby establishing a hierarchy of said plurality of attribute data objects;

        a referent attribute data object for at least one of said attribute data objects, said referent attribute data object being nonhierarchically related to a holder attribute data object for the same at least one of said attribute data objects and also being one of said plurality of attribute data objects, attribute data objects for which there exist only holder attribute data objects being called element data objects, and attribute data objects for which there also exist referent attribute data objects being called relation data objects; and

        an apex data object stored in said memory and having no being-held relationship with any of said attribute data objects, however, at least one of said attribute data objects having a being-held relationship with said apex data object.

In this case, the Federal Circuit noted that Lowry's ADOs do not represent

merely underlying data in a database. The Court commented that the ADOs

contain both information used by application programs and information regarding

their physical interrelationships within a memory.

In the same way as Lowry's claims contained both information used by

application programs and information regarding the physical interrelationship of

the ADOs within a memory, independent claims 37, 42, 53, 60, and 61 recite

subject matter within a logical structure that contains both *information that is useable by software,* which here includes at least:

  (i) data of a new media type;

  (ii) an identifier for the new media type;

  (iii) the identifier can be used to determine a renderer to use to render data of the new media type;

  (iv) an identifier for an error correcting error correcting method for the data.

as well as *information regarding the interrelationship of the data elements* within a memory or logical structure, which here includes at least:

  (i) a clock license dictating advancement of a clock that regulates rendering of the data;

  (ii) a field in the logical structure for holding a value that specifies a maximum bit rate at which the data may be rendered;

  (iii) a method for the correction of errors in the data.

Thus, as the claim in Lowry, independent claims 37, 42, 53, 60 and 61 define functional characteristics of the computer-readable media or other storage.

In characterizing Lowry's claim, the Court noted that Lowry did not claim merely the information content of a memory. In the Court's view, although Lowry's data structures did include data resident in a database, the data structures depended only functionally on information content. While the information content affected the exact sequence of bits stored in accordance with Lowry's data structures, the claims, in the Court's opinion, required specific electronic structural elements which imparted a physical organization on the information stored in memory.

As noted by the Court, in Lowry's invention, the stored data existed as a collection of bits having information about relationships between the ADOs. This was deemed by the Court as the essence of electronic structure.

As the Court further noted, more than mere abstraction, the data structures were specific electrical or magnetic structural elements in a memory. According to Lowry, the data structures provided tangible benefits: data stored in accordance with the claimed data structures were more easily accessed, stored, and erased. The Court further observed that, unlike prior art data structures, Lowry's data structures simultaneously represented complex data accurately and enabled powerful nested operations. As the Court noted, in short, Lowry's data structures were physical entities that provided increased efficiency in computer operation. Hence, the Court found the recited data structure statutory under § 101.

In much the same way, independent claims 37, 42, 53, 60, and 61 recite statutory subject matter that defines specific elements in a type of storage or 'memory' that provides tangible benefits—at least that of:

advancing a clock that regulates rendering of data by an identified renderer;

a maximum bit rate at which to render the data;

an identified error correcting method for the data.

To this end, Applicant's recited logical structure is a physical entity that provides the foregoing enumerated advantages.

Accordingly, Applicant respectfully traverses the Office's rejection and asserts that independent claims 37, 42, 53, 60, and 61 are allowable as are claims respectively depending from an allowable base claim.

3.   Rejections under 35 U.S.C. §112, Second paragraph

Claims 37 and 53 were rejected under 35 U.S.C. §112, second paragraph as being indefinite, particularly in that these claim recite the phase "may be". The Applicant respectfully traverses the rejection and requests consideration of the following.

Title 35 U.S.C. §112, second paragraph, requires that a notice be made to a particular audience, namely to those of ordinary skill in the relevant art, as to what the applicant claims as the his invention. With respect to Claims 37 and 53, the phase "may be" is found in the following recitation:

> "a field in the logical structure that holds a value that specifies a maximum bit rate at which the multiple streams of data *may be* rendered". (emphasis added)

The Applicant respectfully submits that the plain meaning of the recited limitation would be understood by those of ordinary skill in the relevant arts as the maximum bit rate at which multiple streams of data are capable of being rendered. Accordingly, this emphasized recitation plays a defining role in the required notice function by providing those of ordinary skill in the relevant art with both specificity and particularity. Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

4. <u>Rejection of Claims 17-19, 37-39, 43-59, 67-81, 88, and 89 under 35 U.S.C. §103(a)</u>

Claims 17-19, 37, 43-59, 67-81, 88, and 89 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,602,992 to Danneels (hereinafter "Danneels") in view of U.S. Patent No. 5,321,750 to Nadan (hereinafter "Nadan").

Claims 38-39 and 54-59, as understood from paragraph 19 of the Office Action, stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,602,992 to Danneels in view of Nadan.

The Applicant respectfully traverses the rejections and requests consideration of the following.

A. <u>Packet Size and Data Transmission Rate (Bit Rate)</u>

As set forth in the specification at page 4, lines 18-27:

ASF specifies the packetization of data and provides flexibility in choosing packet sizes. In addition, ASF enables the specification of a maximum data transmission rate. As such, the packetization and transmission of media streams may be tailored to facilitate the bandwidth limitations of the system on which media streams are stored or transmitted.

Packets are disclosed in the present application as specifying a particular packet size. Packets are also disclosed in the present application as specifying a bit rate (i.e., data transmission rate). These data are particularly useful in the transmission of media streams, as disclosed in the present application, in that packet size and bit rate can be tailored to facilitate the bandwidth limitations of the system on which media streams are stored or transmitted. The foregoing beneficial aspects are referenced by independent claims 17 and 43 which recite "a field for a maximum packet size and a field for a minimum packet size", and by independent claims 37 and 53 which recite "a value that specifies a maximum bit rate at which the multiple streams of data may be rendered".

B.   Art Does Not Teach Packet Size

Paragraph 6 of the Office Action indicates the absence in Danneels of a teaching of a packet size, but adds that

"[a] skilled artisan would have motivation to improve the multiple streams communication system and found in the well-known art wherein Nadan teaching an information distribution system with a plurality of decoder to decodes a plurality of data streams [Nadan, col 4 line 39-col 5 line 6] including a subfield for the maximum value signal and a subfield for the minimum value signal [Nadan, col 29 lines 15-27]. The maximum size field and minimum size field included in a message or token is a well-known art [see Walster, Fig 24; Guttag, col 71 lines 29-41]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the maximum size field and minimum size field on a multiple streams system as taught by Nadan into the Danneels apparatus in order to utilize the comparing packet time information with clock. Doing so would provide dynamic, simple and reliability to operate the multiple data streams over a large network.

The foregoing assertion is predicated upon a "motivation to improve the multiple streams communication system" so as to be dynamic, simple and reliable. The assertion, however, fails to point out what specific improvement might be accomplished. The specific improvement taught by the present application, namely the facilitation of bandwidth limitations of a system on which media streams are stored or transmitted, is not taught by the applied art. In particular, the specification of a packet size within the packet itself, as taught by the Applicant in the present application, allows for the facilitation of bandwidth limitations of a system on which media streams are stored or transmitted. Neither Nadan's subfields for respective maximum and minimum value signals, Walster's masked token entry maximum and minimum byte fields, nor Guttag's maximum and minimum clock cycle fields are analogous to a packet size or otherwise useful to facilitation of bandwidth limitations of a system on which media streams are stored or transmitted. As such, and contrary to the assertion at paragraph 6 of the Office Action, these references teach neither a range of packet sizes nor a motivation to facilitate bandwidth limitations of a communication system - as has the present application by the use of packet size.

C.   Art Does Not Teach Bit Rate

Paragraph 9 of the Office Action indicates the Nadan contains, at Col. 29, lines 15-27, a teaching of the recitals in Claims 37 and 53 of "a field in the logical structure that holds a value that specifies a maximum bit rate at which the multiple streams of data may be rendered". Applicant's representative has carefully reviewed the cited portion of Nadan and had found that Nadan's maximum and minimum value signals are non-analogous to both bit rate and to a maximum bit rate at which multiple streams of data may be rendered. Moreover, Nadan lacks any teaching of a rendering corresponding to the maximum and minimum value signals.

D. Rejection of Claim 48

Paragraph 14 of the Office Action gives a basis for the rejection of Claim 48 as follows:

>   *Danneels-Nadan-Goetz* disclose the logical structure includes a header section and a data section; and the error correcting data is stored in multiple packets in the data section as inherent feature of error correction process [Nadan, header portion and data portion, col 27 lines 52-62]. (Emphasis added)

Applicant respectfully requests clarification of the reference to and use of "Danneels-Nadan-Goetz" in the rejection so that a complete and accurate response can be made.

E. Summary of Rejections of Claims 17-19, 37-39, 43-59, 67-81, 88, and 89

In that both Danneels and Nadan lack a teaching of the claim limitations pointed out above, the independent claims 17, 37, 43, and 53 that recite these claim limitations are allowable, as are the claims that respectively depend therefrom. As such, claim 17 is allowable, as are its dependent claims 67-69; claim 37 is allowable, as are its dependent claims 70-72; claim 43 is allowable, as are its dependent claims 18-19, 44-52, 76-78, and 88; and claim 53 is allowable, as are its dependent claims 38-39, 54-59, 79-81, and 89.

5. Rejection of Claims 42 and 67-75 under 35 U.S.C. §103(a)

Claims 42 and 67-75 stand rejected under 35 U.S.C. §103(a) as being obvious over Danneels in view of Nadan and further in view of U.S. Patent No. 5,581,691 to Hsu et al. (hereinafter "Hsu").

The Applicant respectfully traverses the rejections and requests consideration of the following.

A. Identifier For A Renderer

Independent claim 42 recites:
   (i)   the data stored in the packets are of a new media type;
   (ii) the logical structure stores an identifier for the new media type; and

(iii)   the identifier can be used to determine a renderer to use to render data of the new media type

B.   <u>Neither Danneels, Nadan nor Hsu Teach An Identifiable Renderer</u>

Paragraph 21 of the Office Action admits Danneels-Nadan do not teach:

(i)   the data stored in the packets are of a new media type;

(ii)   the logical structure stores an identifier for the new media type; and

(iii)   the identifier can be used to determine a renderer to use to render data of the new media type

Despite the admitted absence of each of the three (3) claim elements in the teachings of the applied references, the Office Action argues at paragraph 21:

> "[a] skilled artisan would like to implement the logical network transport on Danneels-Nadan apparatus and found Hsu teaching. Hsu discloses a workflow management system transmitting data in packets of stream or flow wherein each instance of a flow is identifier by a unique Flow instance ID and Flow type ID [Hsu, col 11 lines 53-61]. It was clearly that the render device [Danneels, col 4 lines 8-43] can use the Flow type ID to determine a render data.
>
> Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the Flow ID and Flow type ID as taught by Hsu into the Danneels-Nadan apparatus in order to utilize the logical transport of the multiple streams communication system. Doing so would provide the efficiency and reliability to monitor the data type of multiple streams over network."

Neither the foregoing argument nor Hsu assert the requirements of the obviousness – namely that the Flow ID and Flow type ID as taught by Hsu represents all three (3) of the claim limitations admittedly absent in the teaching of Danneels and Nadan.

Hsu teaches a workflow application. A workflow application is a set of programs that aids in the tracking and management of all the activities in a project from start to finish. Hsu states, at Col. 1, lines 32-40:

> "Work flow management typically involves processes, such as business activities, that have durations of minutes, hours, or even days, and therefore have much longer durations that the discrete transactions handled by traditional transaction processing systems. Work flow management also differs from traditional transaction processing systems in that a typical work flow may involve not only multiple computers or other machines, but also the participation of multiple human principals."

The section of Hsu referenced by the Office Action (Col. 11, lines 53-59) gives the context for the teaching of a "Flow Instance ID" and "its Flow Type ID", as follows:

> More particularly, whenever a new work flow is started, one instance of the initial steps of the work flow are created and executed. Each step and flow downstream from the initial steps are created or instantiated only when a sufficient set of input event signals are present. Each instance of a flow is identified by a unique Flow Instance ID as well as its Flow Type ID.

While the Flow ID and the Flow type ID as taught by Hsu identifies a new work flow, as defined above, Hsu could not be reasonably understood as teaching, suggesting or implying that a work flow is a teaching of a renderer, that the Flow ID or Flow type ID identify a renderer, or that the Flow ID or Flow type ID could be understood to be plural identifiers that are used to determine a renderer to use to render data of a new media type. As such, Hsu fails to teach the three (3) claim elements lacking from Danneels and Nadan.

C.   Summary of Rejections of Claims 42 and 67-75

For reasons stated, independent claim 42 is allowable, as are the claims 73-75 that depend therefrom. Claims 67-69 and 72 are allowable for reasons stated above with respect to the allowability of Claims 17 and 37, respectively.

6.   Rejection of Claims 60-66 and 82-87 under 35 U.S.C. §103(a)

Claims 60-66 and 82-87 stand rejected, at paragraph 25 of the Office Action, under 35 U.S.C. §103(a) as being obvious over Danneels in view of Nadan and further in view of U.S. Patent No. 5,612,900 to Azadegan et al. (hereinafter "Azadegan").

The Applicant respectfully traverses the rejections and requests consideration of the following.

A.   Identifier For A Renderer

Independent Claim 60 recites:

(i) "data" of a "new media type" stored "in packets";
(ii) "an identifier for the new media type from which a renderer can be determined to use to render data of the new media type"

B. Neither Danneels, Nadan nor Azadegan Teach An Identifiable Renderer

Paragraph 21 of the Office Action admits Danneels-Nadan do not teach:
(i) the data stored in the packets are of a new media type;
(ii) the logical structure stores an identifier for the new media type; and
(iii) the identifier can be used to determine a renderer to use to render data of the new media type

Paragraph 26 of the Office Action does not argue that Azadegan teaches the renderer admitted to be missing from the teaching of Danneels-Nadan. As such, independent Claim 60 is allowable over Danneels in view of Nadan and further in view of Azadegan, as are its dependent Claims 62-66 and 82-84.

C. Active Stream Format (ASF) Data Streams

Independent Claim 61 recites:
a logical structure stored in the storage for encapsulating multiple data streams, wherein
the data from said data streams is incorporated in packets; and
the multiple streams of data in the logical structure are Active Stream Format (ASF) data streams"

Paragraph 23 of the Office Action argues that "Danneels-Nadan disclose the multiple stream of data in logical structure are Active stream Format data streams as a design choice." The Applicant respectfully traverses the rejection of independent Claim 61 at least for the basis set forth in the present application at page 4, line 18 through page 5, line 2 as follows:

The preferred embodiment of the present invention employs an active stream format (ASF) for holding multiple media streams. ASF is well suited for storage of multimedia streams as well as transmission of multiple media streams over a transport medium. ASF is constructed to encapsulate diverse multimedia streams and facilitates optimal interleaving of respective media streams. ASF specifies the packetization of data and provides flexibility in choosing packet sizes. In addition, ASF enables the specification of a maximum data transmission rate. As such, the packetization and transmission of media streams may be tailored to facilitate the bandwidth limitations of the system on which media streams are stored or transmitted.

ASF facilitates the use of error correction and error concealment techniques on the media streams. In unreliable transport mediums, such error correction and error concealment is highly beneficial. ASF is independent of media types and is extensible to handle newly defined media types. ASF supports flexible timing approaches and allows an author of an ASF stream to specify the synchronization of events. ASF supports synchronized rendering using a variety of synchronization clock types and provides index information which can be used as markers for lookup to provide playback features such as fast forward and fast reverse.

The foregoing disclosure from the present application enumerates qualities and conditions inherent to the claim limitation recited as "ASF" which, as detailed in this Amendment D, are not found in the applied art. Additionally, no argument has been made that art of record teaches a format for holding multiple media streams that is the functional equivalent of ASF. Accordingly, these inherent attributes preclude the "ASF" claim limitation from being deemed an obvious choice of design. As such, independent Claim 61 is allowable over Danneels in view of Nadan and further in view of Azadegan as are its dependent Claims 85-87.

7. Conclusion

With respect to independent pending Claims 17, 37, 42, 43, 53, 60, and 61, and claims dependent therefrom, the rejections in the Office Action fail to give proper weight to the recited limitations, especially since these limitations are missing from both the applied art and the art of record, either alone or in any combination. As demonstrated above, these missing limitations are not otherwise supported by way of official notice, stated scientific theory, basis for common knowledge in the art, or cited legal precedent. The Applicant respectfully makes a demand for evidence in support of the missing teaching of the recited claim limitations identified above for the rejection of independent

Claims 17, 37, 42, 43, 53, 60, and 61, and claims respectively dependent therefrom. If the Examiner is unable to provide such evidence, and is relying on facts based on personal knowledge, Applicant hereby requests that such facts be set forth in an affidavit from the Examiner under 37 C.F.R. 1.104(d)(2). Absent substantiation by the Examiner, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

In sum, the Applicant respectfully submits that, as to the claims now pending, a *prima facie* case of obvious has not been made out, or in the alternative, the pending claims avoid the rejections. As such, the Applicant respectfully maintains that the present application is in condition for allowance. Reconsideration of the rejections is requested. Allowance of Claims 17-19, 37-39, and 42-89 at an early date is solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 16 th day of May, 2004.

Respectfully submitted,

BRADLEY K. DESANDRO
Attorney for Applicant
Registration No. 34,521

LEE & HAYES PLLC
421 W. Riverside Avenue
Suite 500
Spokane, WA 99201
Telephone: (509) 324-9256 (Ext. 228)
Facsimile: (509) 323-8979